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ATTORNEYS FOR DEFENDANT ARISTA
NETWORKS, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

CISCO SYSTEMS, INC.,

Plaintiff,

vs.

ARISTA NETWORKS, INC.,

Defendant.

CASE NO. 5:14-cv-5344-BLF

**ARISTA'S STATEMENT CONCERNING
JURY INSTRUCTION ARGUMENTS**

Final Pretrial Conference: November 3, 2016
Dep't: Courtroom 3, 5th Floor
Judge: Hon. Beth Labson Freeman
Trial Date: November 21, 2016

1 The Court's Standing Order requires that, as part of the jury instruction filing, "[e]ach
 2 party should support its position regarding a disputed instruction with a brief argument and
 3 citation to relevant authority, set forth immediately following the disputed instruction." Standing
 4 Order re Final Pretrial Conference—Jury Trial, Section C.5.c.iii. Arista stands ready to do so.
 5 However, Cisco informed Arista today after the close of business that it would not submit its
 6 arguments today—the Court-ordered deadline. *See* Operative Scheduling Order, ECF 406
 7 (ordering submission of jury materials by October 21). While Arista is loathe to let that deadline
 8 pass, it also believes that fairness requires a simultaneous filing as the Standing Order provides,
 9 rather than allowing Cisco a unilateral reply. Accordingly, Arista will file its arguments together
 10 with Cisco's when Cisco is ready. Should the Court wish to see Arista's arguments before then, it
 11 will file them immediately.
 12

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 14 Finally, Arista notes that Cisco never raised the idea of exchanging arguments until after
 15 the close of business today, the deadline for filing them, and appears to have nothing ready to
 16 exchange.

17 DATED: October 21, 2016

Respectfully submitted,

18
 19 /s/ Brian L. Ferrall

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